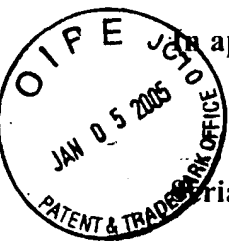


01-06-05

IFW
DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 94,784-L)

PATENT



In application of:)
)
Stojiljkovic *et al.*)
)
Serial No. 09/665,358)
)
Filed: September 19, 2000)
)
For: Novel Bacterial Hemoglobin Receptor)
Genes and Uses)

Before the Examiner:

Group Art Unit: 1641

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application:

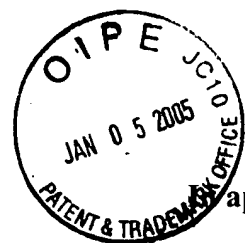
1. We are transmitting herewith the attached

Petition to Revive Unintentionally-abandoned Application with Exhibits, Response Notice of Non-compliant Amendment, and return postcard

2. A petition fee in the amount of \$750.00 is required.
3. GENERAL AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 herein above, are being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5th day of January 2005.

By: _____

Kevin E. Noonan
Reg. No. 35303



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 94,784-L)

PATENT

application of:)
)
Stojiljkovic *et al.*) Before the Examiner:
) R. Hayes
Serial No. 09/665,358)
) Group Art Unit: 1641
Filed: September 19, 2000)
)
For: Novel Bacterial Hemoglobin Receptor)
Genes and Uses)

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
PURSUANT TO 37 C.F.R. 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request that the U.S. Patent and Trademark Office revive the above-referenced U.S. patent application, unintentionally abandoned for failure to properly respond to the Office Action mailed July 29, 2003. The entire delay in filing the required reply from the due date of the reply to until the filing of this petition was unintentional.

Applicants responded on January 29, 2004 to a Restriction Requirement mailed July 29, 2003 (Exhibit A). Applicants received a Notice of Abandonment mailed February 20, 2004 (Exhibit B), which was followed by a Notice that the abandonment had been withdrawn by the Office (Exhibit C). Applicants then received a Notice that their amendments were not in compliance with the requirements of the AIPA, mailed July 6, 2004 (Exhibit D), and a second Notice of Abandonment mailed September 9, 2004 (Exhibit E).

Applicants undersigned representative believed that the Notice of non-compliant amendment was duly filed prior to the deadline date (August 6, 2004), based on an electronic copy of the response prepared in the proper time frame (July 27, 2004), and that the second Notice of Abandonment would be rescinded as was the first. However, reverting the file

01/10/2005 MAHME1 00000039 132490 09665358

01 FC:2453 750.00 DA

Applicants representative discovered that Applicants' copy of the response has gone astray and cannot be found after a diligent search. In addition, the return postcard sent with each response has not been received from the Patent Office.

Thus, Applicants respectfully petition the Patent and Trademark Office to revive this unintentionally-abandoned application. Applicants submit herewith a new version of their response.

By the signature of the undersigned the Patent and Trademark Office is authorized to charge Deposit Account 13-2490 for the full amount of the petition fee. Applicants qualify for Small Entity status.

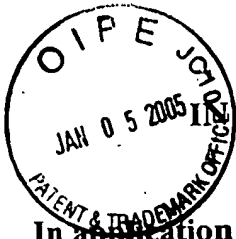
If the Examiner in charge of this application believes it to be helpful, he is invited to contact Applicants' undersigned representative by telephone at (312) 913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Date: January 5, 2005

By: _____

Kevin E. Noonan
Reg. No. 35,303



THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 94,784-L)

PATENT

In application of:

Stojiljkovic *et al.*

Serial No. 09/665,358

Filed: September 19, 2000

For: Novel Bacterial Hemoglobin Receptor
Genes and Uses

Before the Examiner:

Group Art Unit: 1641

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached

Response to Restriction Requirement and return postcard

2. No additional fee is required.
3. GENERAL AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 herein above, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of January 2004.

By: 

Kevin E. Noonan
Reg. No. 35303

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 94,784-L)

PATENT

In application of:

Stojiljkovic *et al.*

Serial No. 09/665,358

Filed: September 19, 2000

For: Novel Bacterial Hemoglobin Receptor
Genes and Uses

Before the Examiner:

Group Art Unit: 1641

PETITION FOR EXTENSION OF TIME

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants petition for a three-month extension of time to respond to the Restriction Requirement mailed July 29, 2003. Their response will this be due on January 29, 2004.

By the signature of the undersigned, the Patent and Trademark Office is authorized to charge Deposit Account 13-2490 for the full amount of the required fee. Applicants qualify for small entity status.

If Examiner Hayes believes it to be helpful, he is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

By:

Kevin E. Noonan, Ph.D.
Reg. No. 35,303

Date: January 29, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 94,784-L)

PATENT



In application of:

Stojiljkovic *et al.*

Serial No. 09/665,358

Filed: September 19, 2000

For: Novel Bacterial Hemoglobin Receptor
Genes and Uses

Before the Examiner:

Group Art Unit: 1641

RESPONSE TO RESTRICTION REQUIREMENT
MAILED JULY 29, 2003

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed July 29, 2003, Applicants elect to prosecute Claims 4-6, designated as Group II by the Examiner.

If Examiner Hayes believes it to be helpful, he is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,
McDonnell Boennen Hulbert & Berghoff

By:

Kevin E. Noonan, Ph.D.
Reg. No. 35,303

Date: January 29, 2004

Hon. Commissioner of
Patents and Trademarks

Atty: KEN/sh

Case No.94,784-L

Re: Applicant – Stojiljkovic *et al.*

Novel Bacterial Hemoglobin Receptor Genes and Uses

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- ☒ Response to Restriction Requirement
☒ Petition for Extension of Time

Fee Enclosed
\$ 0.00

Date Mailed: January 29, 2003

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,358	09/19/2000	Igor Stojiljkovic	94-784-L	8279

20306 7590 02/20/2004

MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER

HAYES, ROBERT CLINTON

ART UNIT

PAPER NUMBER

1647

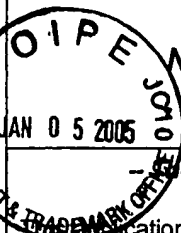
DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

FEB 25 2004

DUE DATE: 04/20/04
BY: [Signature]



Notice of Abandonment

Application No.

09/665,358

Examiner

Robert C. Hayes, Ph.D.

Applicant(s)

STOJILJKOVIC ET AL.

Art Unit

1647

The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This communication is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 29 July 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Robert C. Hayes
RC Hayes

Patricia A. Duffy
PATRICIA A. DUFFY
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,358	09/19/2000	Igor Stojiljkovic	94-784-L	8279

20306 7590 04/13/2004

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

HAYES, ROBERT CLINTON

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 04/13/2004



Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

APR 16 2004

DUE DATE:

BY:



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

The holding abandonment mailed 2/20/04, has
been withdrawn.

The copy or original response filed 2/2/04, has
been made of record in the file.

The application has been returned to pending status.

Gloria J. Hammel
Legal Instrument Examiner
Art Unit 1647



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,358	09/19/2000	Igor Stojiljkovic	94-784-L	8279

20306 7590 07/06/2004

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

HAYES, ROBERT CLINTON

ART UNIT	PAPER NUMBER
----------	--------------

1647

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

JUL 12 2004

DUE DATE: 8/6/04
BY: DB 10



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

20040702

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 2/02/04 is not fully responsive to the prior Office actions of 7/29/03 (paper #10) and 9/30/02 (paper #7) because of non-compliance with the AIPA rules under 37 CFR 1.121(a) and (b) for the proper procedure for submitting amendments to the specification or the claims after March 1, 2001. For example, replacement paragraphs/claims are now required under 37 CFR 1.121(a) or (b) illustrating all changes relative to the prior paragraph/claims previously pending. As previously made of record, the 11/07/02 amendment (amdt B) to the specification in response to the required compliance to the Sequence Rules was not entered because *replacement paragraphs* were not submitted, and therefore, remains in non-compliance with the new AIPA Rules, and the Sequence Rules. However, again note that the paper copy for the Raw Sequence Listing (filed 11/07/02) was entered. It is further suggested that cancellation of nonelected claims 1-3 would help place this application in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Robert Hayes whose telephone number is (571) 272-0885. The examiner can normally be reached on Monday through Thursday, and alternate Fridays, from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached on (571) 272-0961. The fax phone number for this Group is (703) 872-9306.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of this application.

Robert C. Hayes, Ph.D.
July 1, 2004

ROBERT C. HAYES, PH.D.
PATENT EXAMINER
/600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,358	09/19/2000	Igor Stojiljkovic	94-784-L	8279
20306	7590	09/09/2004	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			HAYES, ROBERT CLINTON	
300 S. WACKER DRIVE			ART UNIT	
32ND FLOOR			PAPER NUMBER	
CHICAGO, IL 60606			1647	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

SEP 14 2004

DUE DATE
BY

11/09/04
RPP / 11/3

Notice of Abandonment	Application No.	Applicant(s)	
	09/665,358	STOJILJKOVIC ET AL.	
	Examiner	Art Unit	
	Robert C. Hayes, Ph.D.	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 July 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
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 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
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 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

ROBERT C. HAYES, Ph.D.
PATENT EXAMINER

BRENDA BRUMBACK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.